

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MORGAN ART FOUNDATION LIMITED,

Plaintiff,

-against-

MICHAEL MCKENZIE, AMERICAN  
IMAGE ART, JAMIE THOMAS, AND  
JAMES W. BRANNAN AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
ROBERT INDIANA,

Defendant.

MICHAEL MCKENZIE AND AMERICAN  
IMAGE ART

Counterclaim-Plaintiffs,

-against-

MORGAN ART FOUNDATION LIMITED,

Counterclaim-Defendant.

JAMES W. BRANNAN AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
ROBERT INDIANA,

Counterclaim-Plaintiff,

-against-

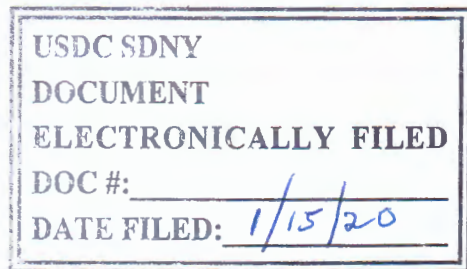
MORGAN ART FOUNDATION LIMITED,  
FIGURE 5 ART LLC, SHEARBROOK (US)  
LLC, RI CATALOGUE RAISONNÉ LLC,  
AND SIMON SALAMA-CARO,

Counterclaim-Defendants.

**Case No. 1:18-cv-08231-AT-BCM**

[Related Case: 1:18-cv-04438-AT-BCM]

~~PROPOSED~~ ORDER



It is hereby ORDERED that the deadlines set forth in Civil Case Management Plan and Scheduling Order (Dckt. No. 23) as amended by the Court's April 5, 2019 Order (ECF No. 40), May 30, 2019 Order (ECF No. 53), and September 6, 2019 Order (ECF No. 73) are extended as follows:

1. No later than **February 28, 2020**, the parties shall meet and confer in real time on a schedule for expert discovery (*see* Dkt. No. 23 ¶ 7(b)). If the parties are unable to agree on interim deadlines for the various expert reports and depositions, they shall submit a joint letter, no later than **March 6, 2020** setting out their competing versions, without argument.

2. The discovery status conference previously scheduled for January 13, 2020 is adjourned to **April 15, 2020 at 10:00 a.m.**, in Courtroom 20A. One week prior to that date, on **April 8, 2020**, the parties shall submit a joint status letter outlining the progress of discovery to date as well as the progress of their settlement efforts. If no controversies exist at that time, the parties may request that the conference be held telephonically.

3. Fact discovery, including fact depositions, shall be completed no later than **April 30, 2020**.

4. Nothing in this order prohibits the parties from serving follow-up written discovery requests. However, depositions will not be held in abeyance pending the service of or response to such requests. All discovery requests and notices must be served in time to allow the party or person served to respond, on the schedule set forth in the Federal Rules of Civil Procedure, prior to the completion date for such discovery set forth above. Requests to Admit must be served **no later than 45 days prior to the close of fact discovery**.

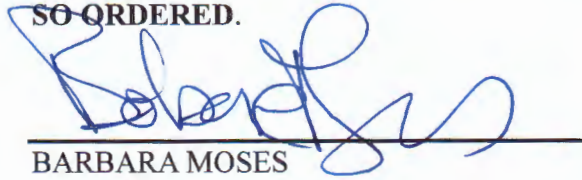
5. The deadline for the parties to request a pre-motion conference with the District Judge regarding summary judgment is **May 14, 2020**.

6. Expert discovery shall be completed no later than **June 12, 2020**.

7. All other provisions of the Court's Civil Case Management Plan and Scheduling Order (Dkt. No. 34) and Order Regarding General Pretrial Management (Dkt. No. 41) remain in effect.

Dated: New York, New York  
January 15, 2020

The Clerk of Court is respectfully  
directed to close the letter-motion  
at Dkt. No. 78.

**SO ORDERED.**  
  
BARBARA MOSES  
United States Magistrate Judge